IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1815 of 2005

Between:

J. Diwakar S/o. Venkatachary
Working at Government Tribal Welfare Ashram High School,

Burugupeta, Venkatapur Mandal, Warangal District.

..... PETITIONER

AND

1. The Project Officer, Integrated Tribal Development Agency,

Eturunagaram, Warangal District.
2. The Commissioner of Tribal Welfare, Andhra Pradesh, Hyderabad
3. The District Tribal Welfare Officer, Warangal, Warangal District
4. The Deputy Educational Officer, Integrated Tribal Development Agency, Eturunagaram, Warangal District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction, more particularly one in the nature of *Writ of Mandamus*, declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Panel Grade Head Master and considering the case of his Juniors is arbitrary, unreasonable and consequently direct the Respondents to consider the case of the petitioner for promotion to the post of Panel Grade Head Master in the Existing vacancy at Government Tribal Welfare Ashram High School Burugupet, Venkatapur Mandal Warangal District with effect from the date of granting promotions to his juniors by paying all consequential benefits.

Counsel for the Petitioner: MR.M.KONDAL RAO

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

Challenging the action of the respondents in not considering the case of the petitioner for promotion to the post of Panel Grade Head Master and considering the case of his junior, the present writ petition is filed.

The grievance of the petitioner is that some of his juniors were already been promoted as Panel Grade Head Masters even though they were not passed any requisite departmental tests. The petitioner further alleged that even though he made several representations to the respondents to consider his case for promotion, no action has been taken against the said representations. Therefore, the case of the petitioner has to be considered in accordance with law.

The learned counsel for the petitioner contended that in spite of letter issued by the Principal Secretary, Tribal Welfare requesting the first respondent to look into the matter and take necessary action in the matter as per rules, but the case of the petitioner has not been considered. Therefore, the petitioner prays that a direction may be given to the respondent to consider his case for giving promotion to him. On the other hand, the learned Government Pleader for Tribal Welfare opposed the same.

As can be seen from the material on record, it is for the respondents to take appropriate decision whether the petitioner is eligible for promotion to the post of Panel Grade Head Master in accordance with rules. Therefore, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the case of the petitioner in accordance with rules, subject to eligibility within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

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(K.C. BHANU, J)

Date: 10.02.2005.

Note: Issue C.C. by tomorrow.

B.O.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Project Officer, Integrated Tribal Development Agency,

Eturunagaram, Warangal District.
2. The Commissioner of Tribal Welfare, Andhra Pradesh, Hyderabad
3. The District Tribal Welfare Officer, Warangal, Warangal District
4. The Deputy Educational Officer, Integrated Tribal Development Agency, Eturunagaram, Warangal District

5. Two C. Cs to G.P. for Social Welfare, High Court Buildings,

Hyderabad (OUT).

6. 2 CD copies

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